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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/652,260

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Gaku Takano

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2905

22428

7590

04/22/2004

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

WALLERSON, MARK E

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/652,260

Applicant(s)

TAKANO ET AL.

Examiner

Mark E. Wallerson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-23 is/are pending in the application. o
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-8, 10-12, 14-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) 9, 13, 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-23 are pending.

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 5, 6, 7, 8, 10, 11, 12, 14, 18, 19, 20, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagao (U.S. 6,430,681).

With respect to claims 1, 3, 5, 6, 8, 10, 11, 12, 14, 18, 19, 20, 21, and 22, Nagao discloses an image processing apparatus comprising image input means for inputting image data of an original (digital data) and subjecting the image data to an image process (column

3, lines 48-59); first program storage means (21 or 22) for storing an image process program; image output means (23) for outputting the processed image data; second program means (26) for storing inputted image process programs (column 4, lines 21-42), and program loading means for reading out a desired program from the second storage means and loading the program in the first storage means (column 6, lines 3-10)

With respect to claim 7, Nagao discloses the program loading means is a CPU (23).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 15, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagao in view of Kojima (U.S. 5,233,414).

With respect to claims 2, 4, and 23, Nagao differs from claims 2, 4, and 23 in that he does not clearly disclose the input means is a scanner and the output means is a printer. Kojima discloses a color image processing apparatus comprising a ROM (70) which stores arithmetic programs and comprises a scanner as the input means and the output means is a printer (figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Nagao wherein the input means is a scanner and the output means is a printer. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to have modified Nogao by the teaching of Kojima in order to easily output the image data.

With respect to claim 15 and 16, Kojima discloses a pre-scan and main scan mode (column 5, lines 44062). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Nogao by the teaching of Kojima in order to improve the reading of the image.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1, 3, 5, 6, 7, 8, 10, 11, 12, 14, 18, 19, 20, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Jippo (U.S. 5,404,477).

With respect to claims 1, 3, 5, 6, 8, 10, 11, 12, 14, 18, 19, 20, 21, and 22, Jippo discloses an image processing apparatus comprising image input means for inputting image data of an original (digital data) and subjecting the image data to an image process (column 3, lines 60-64); first program storage means (7) for storing an image process program; image output means (9) for outputting the processed image data; second program means (6) for storing inputted image process programs (column 4, lines 1-6), and program loading

means for reading out a desired program from the second storage means and loading the program in the first storage means (column 4, lines 41-65)

With respect to claim 7, Nagoa discloses the program loading means is a CPU (9).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 4, 15, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jippo in view of Kojima (U.S. 5,233,414).

With respect to claims 2, 4, and 23, Jippo differs from claims 2, 4, and 23 in that he does not clearly disclose the input means is a scanner and the output means is a printer. Kojima discloses a color image processing apparatus comprising a ROM (70) which stores arithmetic programs and comprises a scanner as the input means and the output means is a printer (figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Jippo wherein the input means is a scanner and the output means is a printer. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Jippo by the teaching of Kojima in order to easily output the image data.

With respect to claim 15 and 16, Kojima discloses a pre-scan and main scan mode (column 5, lines 44062). Therefore, it it would have been obvious to one of ordinary skill in the

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art at the time of the invention to have modified Jippo by the teaching of Kojima in order to improve the reading of the image.

*Allowable Subject Matter*

9. Claims 9, 13, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (703) 305-8581. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson

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Primary Examiner  
Art Unit 2626

MARK WALLERSON  
PRIMARY EXAMINER

A large, stylized handwritten signature in black ink, appearing to read 'Mark Wallerson', is written over the printed name and title.